

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PEOPLES BANK,

Plaintiff,

v.

YCT. DAME DE LA MER, Official
Number 1256959, *in rem*; and ESTATE OF
MICHAEL COHEN, *in personam*,

Defendants.

CASE NO. 3:21-cv-05882-RJB

ORDER ON PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT


This matter comes before the Court on Plaintiff Peoples Bank's Motion for Summary Judgment. Dkt. 32. In the pending motion, Plaintiff moves for summary judgment *in rem* against the defendant vessel, YCT. DAME DE LA MER, and *in personam* against the Estate of Michael Cohen for the amount due and owing under a promissory note. The Court, having considered the motion, its supporting declarations, and the remaining record, is fully informed. Though Defendants have not responded to the motion, it is now ripe for consideration and appropriate for resolution. Plaintiff's motion should be granted, with the Court making the following findings:

- 1 1. Plaintiff is the holder of a promissory note (“Promissory Note”) executed by Michael
2 Cohen, which note is in default;
- 3 2. The Promissory Note is secured by a preferred mortgage against the defendant vessel
4 DAME DE LA MER, Official Number 1256959, which preferred mortgage was
5 properly recorded with the offices of the United States Coast Guard National Vessel
6 Documentation Center so as to enjoy preferred status under 46 U.S.C. 31326;
- 7 3. The defendant vessel was arrested by the U.S. Marshal Service on December 22,
8 2021, and Notice of Arrest was published on April 7, 2022, and no answer or
9 statement of right or interest has been filed herein except that filed by the Estate of
10 Michael Cohen;
- 11 4. Plaintiff is entitled to judgment against the defendant vessel and against the Estate of
12 Michael Cohen for all amounts due and owing under the Promissory Note;
- 13 5. Plaintiff’s claim under its preferred mortgage is superior to that of any other claimant.

14 Therefore, **IT IS HEREBY ORDERED** that the preferred marine mortgage on the
15 DAME DE LA MER, Official Number 1256959, her engines, tackle, apparel, furniture and
16 equipment, in favor of Plaintiff Peoples Bank is foreclosed; and it is further **ORDERED** that
17 Plaintiff Peoples Bank shall have judgment against the Estate of Michael Cohen and against the
18 defendant vessel DAME DE LA MER, Official Number 1256959, her engines, tackle, apparel,
19 furniture and equipment *in rem* for \$485,867.03, which judgment may be subject to adjustment
20 upon motion of the Plaintiff to account for additional interest, attorney fees, and legal expenses
21 incurred by Plaintiff in concluding this action, as provided in the Promissory Note; and it is
22 further **ORDERED** that the sale of the defendant vessel shall be subject to subsequent order of
23 this Court.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
2 to any party appearing pro se at said party's last known address.

3 Dated this 18th day of July, 2022.

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6 ROBERT J. BRYAN
7 United States District Judge
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